

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI

UNITED STATES OF AMERICA

Plaintiff,

-vs-

Criminal Action No.
22-00048-02-CR-W-DGK

MERCEDEZ M. GARDNER,

Defendant.

**MEMORANDUM OF MATTERS DISCUSSED AND
ACTION TAKEN AT PRETRIAL CONFERENCE**

The following matters were discussed and action taken during the pretrial conference:

PENDING CHARGES: Count 1:

Conspiracy to distribute 5 kilograms or more
of cocaine; fentanyl; and less than 50
kilograms of marijuana *in violation of* 21
U.S.C. § 841(a)(1), (b)(1)(C) and (b)(1)(D)

Counts 51, 53, 55:

Use of a Communication Facility to
Facilitate a Drug Trafficking Crime *in
violation of* 21 U.S.C. § 843(b) and (d)(1)

Count 96:

Possession of a Firearm in Furtherance of a
Drug Trafficking Offense *in violation of* 18
U.S.C. § 924(c)(1)(A)(i)

Count 97:

Felon in Possession of a Firearm or
Ammunition *in violation of* 18 U.S.C. §
922(g)(1) and 924(a)(2)

Forfeiture Allegations One and Two

TRIAL COUNSEL:

Government: Matthew Moeder, Sean Foley, Stephanie Bradshaw; Paralegal Michelle
Wells

Case Agent: ATF Special Agent Elizabeth White

Defense: Melanie Morgan

OUTSTANDING MOTIONS: (1) *Ex Parte* Motion (Doc. 755)
(2) *Ex Parte* Motion (Doc. 785)

ANTICIPATED MOTIONS: None

TRIAL WITNESSES:

Government: 50 without stipulations if four defendants go to trial; premature to address stipulations specific to each defendant

Defense: 2 witnesses, including Defendant who ☐ will
☒ may
☐ will not testify

TRIAL EXHIBITS:

Government: 300 exhibits with four defendants going to trial

Defense: 10 exhibits

DEFENSES:

☒ defense of general denial

☐ defenses of general denial and _____

POSSIBLE DISPOSITION:

☐ Definitely for trial

☒ Possibly for trial

☐ Motion to continue to be filed

☐ Likely a plea will be worked out

TRIAL TIME: 10 days for trial with four defendants

Government's case including jury selection: 7-8 days

Defense case: .5 day

STIPULATIONS: Not known at this time

☐ not likely

☐ not appropriate

☐ likely as to:

☐ chain of custody

☐ chemist's reports

☐ prior felony conviction

☐ interstate nexus of firearm

☐ other: _____

UNUSUAL QUESTIONS OF LAW: None**FILING DEADLINES:****Witness and Exhibit Lists:**

Government: On or before June 24, 2024

Defense: On or before June 24, 2024

Counsel are requested to list witnesses in alphabetical order on their witness list.

Exhibit Index, Voir Dire, Jury Instructions: On or before June 24, 2024

Jury instructions must comply with Local Rule 51.1

Motions in Limine: On or before June 24, 2024

TRIAL SETTING: Criminal jury trial docket commencing 7/8/2024

Please note: The Government requests trial start on the second week of the docket as Government Counsel has a conflict on July 8th and 9th. However, Government Counsel would be available beginning July 10th.

OTHER:

- ☐ A _____-speaking interpreter is required.
- ☐ Other assistive devices:

IT IS SO ORDERED.

/s/ Jill A. Morris
JILL A. MORRIS
United States Magistrate Judge